EXHIBIT 9

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O'MELVENY & MYERS CALENDAR
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MAR 16 2009
CAL. ___ DKT. ___
ATTYS: D Eberhart

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

EBAY, INC., Plaintiff, v. DIGITAL POINT SOLUTIONS, INC., SHAWN HOGAN, KESSLER'S FLYING CIRCUS, THUNDERWOOD HOLDINGS, INC., TODD DUNNING, DUNNING ENTERPRISE, INC., BRIAN DUNNING, BRIANDUNNING.COM, and Does 1-20, Defendants.	Case No. CV 08-04052 JF PVT **DEFENDANT SHAWN HOGAN'S RESPONSES TO PLAINTIFF'S REQUESTS FOR PRODUCTION (SET ONE)**

PROPOUNDING PARTY: Plaintiff EBAY, INC.

RESPONDING PARTY: Defendant SHAWN HOGAN

SET NUMBER: One

Defendant SHAWN HOGAN ("Defendant") hereby responds to the Plaintiff EBAY, INC.'s ("Plaintiff's") First Set of Requests for Production, as follows:

I. PRELIMINARY STATEMENT

The Federal Bureau of Investigation has seized documents and materials potentially related to the present action. As of the date of these responses, the FBI has not returned all of the seized materials to Defendant, some of which may be responsive to Plaintiff's requests hereunder. Further, FBI Special Agent Melanie Adams and Assistant United States Attorney Kyle F. Walding inform that Defendant is the subject of a grand jury investigation and that it is anticipated that criminal charges will be filed. Because Plaintiff has attempted to assert various claims under state and federal criminal statutes as well as common law fraud, and seeks to conduct discovery with respect to the same via the subject requests for production, Defendant hereby asserts his privilege against self-incrimination (as specifically set forth below) under the Fifth Amendment to the United States Constitution (*United States v. Balsys* (1998) 524 U.S. 666, 672; *Lefkowitz v. Turley* (1973) 414 U.S. 70, 77); the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940.

Defendant further objects because conducting discovery is premature and inappropriate at this time. Upon the transfer of this action to the appropriate forum, Defendant intends to seek a stay of this action (and/or any other appropriate relief), including a stay of all discovery in this matter, pending the resolution of any potential criminal proceedings and/or until the statute of limitations on any such criminal proceedings has run. To the extent Defendant determines that there is no longer a threat of criminal prosecution, Defendant expressly reserves the right to withdraw his assertion of the privilege against self-incrimination, to supplement his responses accordingly (in whole or in part), and to object to the use or disclosure of the following responses, including the assertion of the privilege against self incrimination, for any purpose whatsoever.

Defendant further objects to the subject discovery requests in that Defendant's Motion to Dismiss Plaintiff's First Amended Complaint was granted with leave to amend as to Plaintiff's claims under the Racketeer Influenced and Corrupt Organizations Act and other fraud-based claims, and discovery is therefore premature. *Williams v. WMX Technologies, Inc.*, 112 F.3d 175, 178 (5th Cir. 1997) (in fraud cases, the requisite elements must be adequately laid out "*before* access to the discovery process is granted." (emphasis in original)).

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Defendant further objects to the definitions set forth in Plaintiff's requests; these objections include, but are not limited to, the following: "Hogan," "Hogan Entities," "Commission Junction," and "eBay" are compound, vague and ambiguous. The definition of "eBay" is further unduly burdensome and oppressive in that the phrases "eBay's internationally operated websites," and "any and all divisions, subdivisions, departments or subsidiaries of eBay" constitute information within Plaintiff's control and/or are unknown to Defendant. The definition of "Commission Junction" is unduly burdensome and oppressive in that the phrase "all parent organizations, divisions, subdivisions, departments or subsidiaries" reference information that is outside Defendant's control and/or is unknown to Defendant.

Defendant incorporates each of the foregoing objections in Defendant's responses below.

II. RESPONSES

REQUEST FOR PRODUCTION NO. 1

All documents relating to eBay, including all agreements, terms of service and terms and conditions. .

Response to Request for Production No. 1:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is overbroad, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

/./.

REQUEST FOR PRODUCTION NO. 2

All documents relating to, or Communications with, eBay or any current or former employee of eBay.

Response to Request for Production No. 2:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is overbroad, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 3

All documents relating to payment of commissions or other revenue obtained by Hogan or Hogan Entities through participation in, interaction with or manipulation of eBay's Affiliate Marketing Program.

Response to Request for Production No. 3:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is compound, overbroad, unduly burdensome and oppressive. Defendant further objects because this request is argumentative with respect to its use of the term "manipulation." Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 4

All documents relating to eBay's Affiliate Marketing Program, including, but not limited to, all methods and technologies used by Hogan or Hogan Entities to obtain revenue from, manipulate or otherwise interact with eBay's Affiliate Marketing Program, including, but not limited to, all software, source code, Javascript, and HTML code.

Response to Request for Production No. 4:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is compound, overbroad, unduly burdensome and oppressive. Defendant further objects because this request is argumentative with respect to its use of the term "manipulate." Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 5

All documents relating to advertisements for eBay used, or purported to be used, on any website or ad network that directed or referred Users to eBay as part of eBay's Affiliate Marketing Program.

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Response to Request for Production No. 5:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 6

All documents reflecting the number of Users who allegedly clicked on an advertisement for eBay used, or purported to be used, by Hogan or Hogan Entities to direct or refer Users to eBay as part of eBay's Affiliate Marketing Program.

Response to Request for Production No. 6:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is overbroad, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 7

All documents relating to methods or techniques intended to, or causing, a User's browser to load any eBay webpage, webpage content or data therefrom.

Response to Request for Production No. 7:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information and/or trade secrets. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is overbroad, not reasonably particularized, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 8

All documents sufficient to identify all advertising networks, advertising syndication services or websites used or purportedly used by Hogan or Hogan Entities to advertise or promote eBay or to interact in any way with eBay or eBay's Affiliate Marketing Programs.

Response to Request for Production No. 8:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is overbroad, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 9

All documents sufficient to identify all Affiliate Marketing Programs, not including eBay's Affiliate Marketing Program, with whom Hogan or Hogan Entities obtained revenue or otherwise interacted.

Response to Request for Production No. 9:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is overbroad, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 10

All documents relating to and/or describing methods and techniques used by any other Affiliate Marketing Program that Hogan or Hogan Entities interacted with, participated in or manipulated.

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Response to Request for Production No. 10:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous, and is argumentative with respect to its use of the term "manipulated." Defendant further objects because this request is unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 11

All documents sufficient to identify the source of any technology, technique or method used by Hogan or Hogan Entities to participate in, manipulate or interact with eBay Affiliate Marketing Program, or any other Affiliate Marketing Program.

Response to Request for Production No. 11:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous, and is argumentative with respect to its use of the term "manipulate." Defendant further objects because this request is compound, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 12

All documents sufficient to identify any individuals, groups, books, manuals or other materials consulted by Hogan or Hogan Entities while developing any technology, technique or method used by Hogan or Hogan Entities while developing any technology, technique or method used by Hogan or Hogan Entities to participate in, manipulate or interact with the eBay Affiliate Marketing Program, or any other Affiliate Marketing Program.

Response to Request for Production No. 12:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous, and is argumentative with respect to its use of the term "manipulate." Defendant further objects because this request is compound, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

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REQUEST FOR PRODUCTION NO. 13

All documents relating to Commission Junction, including all agreements, terms of service and terms and conditions.

Response to Request for Production No. 13:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is overbroad, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 14

All documents relating to, or Communications with, Commission Junction or any current or former employee of Commission Junction.

Response to Request for Production No. 14:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is overbroad, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 15

All documents relating to, or Communications with, Digital Point Solutions, Inc., Kessler's Flying Circus, Thunderwood Holdings, Inc., Dunning Enterprise, Inc. or briandunning.com.

Response to Request for Production No. 15:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is compound, overbroad, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 16

All Communications with Todd Dunning or Brian Dunning.

Response to Request for Production No. 16:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects to the extent this demand violates the privacy rights of Defendant and/or third parties. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is overbroad, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 17

All documents relating to, or Communications with, Rachael Hughes, or any companies or entities owned, controlled, affiliated with or used by Rachael Hughes, relating to eBay's Affiliate Marketing Program including, but not limited to, any agreements with Rachael Hughes and company and any technology transferred to or from Rachael Hughes and company.

Response to Request for Production No. 17:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is overbroad, vague and ambiguous. Defendant further objects because this request is unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 18

All documents sufficient to describe all phone numbers, email addresses, web pages, instant messenger or mail accounts and social network accounts maintained, formerly maintained or registered to Hogan or Hogan Entities.

Response to Request for Production No. 18:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence

Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is compound, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 19

Documents sufficient to identify any Aliases used by Hogan or Hogan Entities in any Internet Forum at or within which Hogan or Hogan Entities discussed any aspect of their participation in, manipulation of or interaction with eBay's Affiliate Marketing Program, or any other Affiliate Marketing Programs, including, but not limited to, forums such as blogs, listservs, Usenet newsgroups or chat rooms.

Response to Request for Production No. 19:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous, and argumentative. Defendant further objects because this request is unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 20

Documents sufficient to identify any Internet Forum at or within which Hogan or Hogan Entities discussed any aspect of their participation in, manipulation of or interaction with eBay's Affiliate Marketing Programs, including, but not limited to, forums such as blogs, listservs, Usenet newsgroups or chat rooms.

Response to Request for Production No. 20:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous, and argumentative. Defendant further objects because this request is unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 21

Documents sufficient to identify all internet service providers (ISPs) and IP addresses used by Hogan or Hogan Entities.

Response to Request for Production No. 21:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal

Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is compound, overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 22

Documents sufficient to identify all computers, servers, electronic data storage and hosting companies, entities, or facilities used by Hogan or Hogan Entities.

Response to Request for Production No. 22:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous. Defendant further objects because this request is unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 23

Documents sufficient to identify any entity used or hired to maintain or restore electronic data or systems relating to Hogan or Hogan Entities' participation in, manipulation of or interaction with eBay's Affiliate Marketing Program.

Response to Request for Production No. 23:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is vague and ambiguous, argumentative, overbroad, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 24

Documents sufficient to identify software used to clean, reformat or erase hard-drives used by Hogan or Hogan Entities, or any equipment owned, used or maintained by Hogan or Hogan Entities.

Response to Request for Production No. 24:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information, trade secrets, and/or violates the privacy rights of Defendant and/or third parties. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 25

All documents sufficient to identify all business entities or fictitious business names currently or formerly maintained by Hogan.

Response to Request for Production No. 25:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/ confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence.. Defendant further objects because this request is vague, ambiguous, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 26

All documents relating to the incorporation of any Hogan Entities.

Response to Request for Production No. 26:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague and ambiguous, overbroad, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 27

All documents filed by Hogan or Hogan Entities with any Secretary of State.

Response to Request for Production No. 27:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 28

Documents sufficient to show the structure and organization of all Hogan Entities that were involved in or interacted with any Affiliate Marketing Program.

Response to Request for Production No. 28:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information, trade secrets, and/or violates the privacy rights of Defendant and/or third parties. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 29

Documents sufficient to identify all employees, contractors or temporary employees of Hogan or Hogan Entities, their dates of employment, duties, salary and any other compensation.

Response to Request for Production No. 29:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information, trade secrets, and/or violates the privacy rights of Defendant and/or third parties. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous, unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 30

All documents constituting any Hogan Entities' annual, quarterly and monthly audited, compiled, reviewed or unaudited financial statements, including all income statements and balance sheets of Hogan Entities.

Response to Request for Production No. 30:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information, trade secrets, and/or violates the right to privacy of Defendant and/or third parties. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 31

All documents sufficient to identify all assets and financial accounts (including those outside of the United States) maintained or formerly maintained by Hogan or Hogan Entities.

Response to Request for Production No. 31:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary/confidential information, trade secrets, and/or violates the right to privacy of Defendant and/or third parties. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 32

Documents constituting all Hogan Entities' tax returns for the years 2003 to the present.

Response to Request for Production No. 32:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain confidential financial information and/or violates the right to privacy of Defendant and/or third parties. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 33

Documents constituting Hogan's individual tax returns for the years 2003 to the present.

Response to Request for Production No. 33:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain confidential financial information and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 34

All documents relating to the transfer or assumption of any liability by Hogan or Hogan Entities.

Response to Request for Production No. 34:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this demand may be construed to seek the production and inspection of documents which contain proprietary

/confidential information, trade secrets, and/or violates Defendant's right to privacy. Defendant further objects because this request is overbroad, not reasonably particularized, and seeks the production of documents which are neither relevant to the subject matter of this action, nor likely to lead to the discovery of admissible evidence. Defendant further objects because this request is vague, ambiguous, and unduly burdensome and oppressive. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

REQUEST FOR PRODUCTION NO. 35

All documents relating to any insurance policies relevant to this action.

Response to Request for Production No. 35:

Objection. Defendant objects to this request on the grounds that it violates Defendant's privilege against self-incrimination under the Fifth Amendment to the United States Constitution; the Federal Rules of Evidence, Rule 501; the California Constitution, Article 1, Section 15; and California Evidence Code section 940. Defendant further objects because this request may be construed to seek the production and inspection of documents which are privileged from disclosure by the attorney-client relationship and/or the attorney work product doctrine. Defendant further objects because this request is vague and ambiguous. Further, Defendant incorporates the above Preliminary Statement herein by reference in full.

DATED: March 12, 2009

COAST LAW GROUP LLP

By:____________________
Ross M. Campbell
Attorneys for Defendants, Shawn Hogan
and Digital Point Solutions, Inc.